

NOV-29-2005 09:26

513 241 6234

RECEIVED  
CENTRAL FAX CENTER

513 241 6234 P.01

NOV 29 2005

BRUCE TITTEL  
DONALD F. FREI  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, Ph.D.  
KRISTI L. DAVIDSON

WOOD, HERRON & EVANS, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
TELEPHONE: (513) 241-2324  
FACSIMILE (513) 421-7269  
WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
C. RICHARD EBY

KATHRYN E. SMITH  
P. ANDREW BLATT, Ph.D.  
DAVID E. JEFFERIES  
WILLIAM R. ALLEN, Ph.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
STEVEN W. BENINTENDI, Ph.D.  
RANDALL S. JACKSON, JR.

OF COUNSEL

JOHN D. POFFENBERGER  
DAVID J. JOSEPHIC  
THOMAS W. FLYNN  
J. DWIGHT POFFENBERGER, JR.  
BRADLEY D. BECK

FACSIMILE COVER SHEET

If transmission is interrupted or of poor quality, please  
notify us immediately by calling 513/241-2324.  
Ask for sender's secretary.

TO: Commissioner for Patents Fax No: 571-273-8300  
Pages (including cover page): 3 Date: November 29, 2005  
FROM: Keith R. Haupt, Esq.  
Reg. No. 37,638

Re: This fax includes: Response to Restriction Requirement

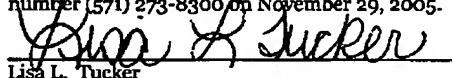
Serial No.:	10/680,364	Title:	CARTON WITH DISPENSER
Filed:	October 7, 2003	Conf. No.:	4643
Group Art Unit:	3653	Our Ref.:	RWZ-78U
Applicant:	Charles A. Miller		

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the  
Commissioner for Patents, Art Unit 3653 at facsimile telephone  
number (571) 273-8300 on November 29, 2005.

Lisa L. Tucker

Date

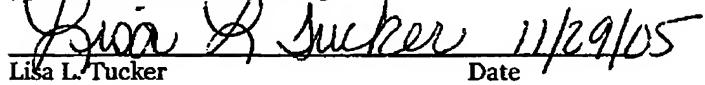
 11/29/05

The Information in this facsimile message is  
ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL  
INFORMATION intended only for the use of the individual or entity to whom this fax is addressed.  
If the reader of this message is not the intended recipient or the employee or agent responsible for delivering  
it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this  
communication is strictly prohibited. If you have received this communication in error, please immediately  
notify us by telephone and return the original message to us at the above address via United States Postal  
Service. Thank you.

RECEIVED  
CENTRAL FAX CENTER  
NOV 29 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents, Examining Group 3653 at facsimile telephone number (703) 872-9306 on November 29, 2005.

  
Lisa L. Tucker

Date

Serial No.: 10/680,364  
Filed: October 7, 2003  
Group Art Unit: 3653  
Applicant: Charles A. Miller  
Title: CARTON WITH DISPENSER  
Conf. No.: 4643

Cincinnati, Ohio 45202

November 29, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Response to Restriction Requirement

This is responsive to the Office Action dated November 16, 2005 which included a restriction requirement between the species of Figs. 1-5, Figs. 6-8 and Figs. 9-10. Applicant hereby elects the species of Figs. 1-5 without traverse for prosecution in this application.

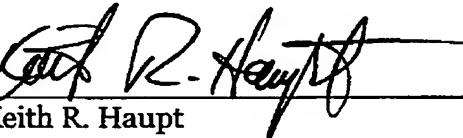
Appl. No. 10/680,364  
Amdt. dated November 29, 2005  
Page 2 of 2

If the Examiner has any questions about this election or the claims associated with the species of Figs. 1-5, the Examiner is asked to telephone the undersigned attorney for prompt resolution.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

BY



Keith R. Haupt  
Reg. No. 37,638

2700 Carew Tower  
Cincinnati, OH 45202  
(513) 241-2324  
(513) 241-6234 (Facsimile)  
[k Haupt@whepatent.com](mailto:k Haupt@whepatent.com)  
K:\RWZ\78U\response to restriction req.wpd